

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 30-69 are pending in the application, with claims 30, 41, 51 and 61 being the independent claims. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Examiner objected to the drawings because they allegedly do not show "every feature of the invention specified in the claims." (Office Action, ¶ 2.) More specifically, the Examiner stated that "the width and the height in claim 38 must be shown or the feature(s) canceled from the claim(s)." (Id.) Applicant asserts that the width and height recited in claim 38 are shown in the figures. More specifically, the application states that "[t]he protuberance 197 tapers in height and width to merge with the inner surfaces of ends 182." (Application, p. 32, ll. 18-19.) FIGs 11-15 clearly support the written description and illustrate that "said protuberance [i.e., element 197] . . . tapers in height and width in the direction of said ends of said first segment of said first handle portion." In light of the foregoing discussion, Applicant respectfully requests that the objection to the drawings be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 36, 38, 40, 48, 58 and 66 under § 112, ¶ 2. Applicant responds on a claim-by-claim basis.

Claim 36. The Examiner appears to contend that claim 36 is unclear because "there are two first portions; it is unclear whether one of the first portion is intended."

(Office Action, ¶ 6.) Applicant respectfully disagrees. Independent claim 30, from which claim 36 depends, recites "a handle including first and second handle portions." The first and second portions are delineated, for example, in FIG. 11 as elements 178 and 179. There is only one first portion, and only one second portion. In light of the foregoing discussion, Applicant respectfully requests that the rejection of dependent claim 36 be reconsidered and withdrawn.

Claims 38, 48 and 58. The Examiner contends that "the direction of said ends" has no antecedent basis. (Office Action, ¶ 6.) Applicant respectfully directs the Examiner to MPEP § 2173.05(e), which states that "[i]nherent components of elements recited have antecedent basis in the recitation of the components themselves." Applicant submits that "in the direction of said ends" is inherent in light of the recited components describing the direction of the taper. In other words, the taper of the protuberance inherently has a direction that can only be described in relation to other components of the handle. In light of the foregoing discussion, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 40. The Examiner asserts that "sleeve formations" has no antecedent basis. (Office Action, ¶ 6.) Applicant does not understand this rejection. The purpose of dependent claim 40 is to introduce "sleeve formations" in which "said second segments are mounted." Applicant did not recite "the sleeve formations" or "said sleeve formations." Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 66. The Examiner did not specify the manner in which claim 66 violates § 112, ¶ 2. Applicant respectfully directs the Examiner to MPEP § 2173.05(e), which states that "[t]he goal of examination is to clearly articulate any rejection early in the

prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." Applicant respectfully requests that the Examiner make clear the reason for rejecting claim 66 under § 112, ¶ 2. Otherwise, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 102 and 103

To most efficiently address the Examiner's various rejections under 35 U.S.C. §§ 102 and 103, Applicant submits the following observation. Independent claims 30, 41 and 51 each recite the following: "said ends of each of said first segments curving continuously inwardly and upwardly from said second segments, respectively, in the direction of said opening in said engaged position, whereby said first segments are disposed closely alongside said front and back walls, respectively, in said fully disengaged position." Similarly, independent claim 61 recites "said ends of each of said first segments adapted to curve continuously inwardly and upwardly from said second segments, respectively, in the direction of the opening in said engaged position, whereby said first segments are disposed closely alongside the front and back walls, respectively, in said fully disengaged position."

None of the references recited by the Examiner, alone or in combination, disclose or suggest the above noted feature in each of the independent claims. US Patent No. 1,658,174 to Russell ("Russell") discloses non-curved handle portions (15, 20), as illustrated in FIGs. 4-6 of Russell. Similarly, US Patent No. 2,589,438 to Schneider ("Schneider") discloses non-curved handle portions (21), as illustrated in FIGs 2-3 of Schneider. Finally, US Patent No. 3,944,033 to Simson ("Simson") discloses handle portions (22, 24) that are curved outwardly from the direction of the opening, as

illustrated in FIG. 2 of Simson. In sum, none of the references, alone or in combination, used by the Examiner in rejecting independent claims 30, 41, 51 and 61, disclose or suggest inwardly and upwardly curving handle portions as recited in the independent claims.

For a least the foregoing reasons, Applicant respectfully requests that the Examiner reconsider and withdraw all the rejections of independent claims 30, 41, 51 and 61 under sections 102(b) and 103(a). Similarly, Applicant respectfully requests that all the rejections to the dependent claims 31-40, 42-50, 52-60 and 62-69 be withdrawn, as they depend from valid base independent claims 30, 41, 51 and 61 respectively.

Rejections Under Double Patenting

The Official Action indicated that claims 30-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,390,297, over claims 1-20 of U.S. Patent No. 6,499,187, and over claims 1-20 of U.S. Patent 6,687,955. (Office Action, pp. 2-3, ¶¶ 3-5.) In each case, the Examiner stated that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to provide the handle as set forth" in the above noted claims. (Id.)

At the outset, Applicant believes that the Examiner intended to apply the double patenting rejection to claims 30-69, instead of 30-39. Applicants submit herewith a terminal disclaimer over U.S. Patent Nos. 6,390,297, 6,499,187, and 6,687,955. Accordingly, the rejection of claims 30-69 under the judicially-created doctrine of obviousness-type double patenting has been fully accommodated and should be withdrawn.

Miscellaneous

The Examiner asserted that "per applicant's admission, all claims are readable on Fig. 14." (Office Action, p. 2, ¶ 1.) Applicant made no such admission. The Examiner is respectfully referred to Applicant's November 4, 2004 reply to the Examiner's October 5, 2005 restriction requirement. Therein, Applicant stated that "at least independent claims 30, 41, 51 and 61 are generic to Groups I and II," and further stated that "Applicants are not intending to limit the scope of claims 30-69 to Figures 11-15 by this election." (Reply, p. 1, ¶ 1.) Applicant has not, and does not, admit that all claims are readable on FIG. 14.

Additionally, in making the § 112, ¶ 2 rejections of claims 38, 48 and 58, the Examiner noted in passing that "it is unclear whether these claims [are] readable on the elected species. It seems that these claims [are] readable on Fig. 8. Please confirm." (Office Action, p. 3, ¶ 6.) In response, Applicant notes that dependent claims 38, 48 and 58 are generic to both FIG. 8 and FIG. 14. These figures both describe a tapered protuberance (97 or 197), the difference being that the tapered protuberance 97 and cavity 98 of FIGs 7-10 have slots and grooves (99, 99') disposed thereon, while the tapered protuberance 197 and cavity 198 of FIGs. 11-15 show no such slots and grooves. Applicant believes that the Examiner may have misunderstood this point when making the restriction requirement of October 5, 2004.

For at least this reason, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement of October 5, 2004. If further questions persist regarding this point, the Examiner is urged to call the undersigned directly at 202.772.8651.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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